

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
)
v.) Criminal No. 00-14
)
THOMAS E. EATON)

MOTION TO DESTROY FIREARMS

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Linda L. Kelly, Assistant United States Attorney for said district and respectfully moves this Court, pursuant to the All Writs Act, Title 28, United States Code, Section 1651(a), to enter an order authorizing Special Agents of the Federal Bureau of Investigation to destroy certain firearms seized from the defendant during the investigation of this case. In support thereof, the government alleges as follows:

1. That on or about March 28, 2000, the defendant, Thomas E. Eaton, was indicted for violations of Title 18, United States Code, Sections 229(a)(1) and (a)(2) (Use of a Chemical Weapon); Title 18, United States Code, Section 1001 (Making a false statement) and Title 18, United States Code, Section 922(g)(1) and 924(a)(2) (knowing possession of a firearm by a felon).

2. That the charges in the indictment resulted from an incident involving the presence of chlorine gas at the residence of a family in Beaver, Pennsylvania on December 7, 1998.

3. That on November 15, 2000, after a trial by jury in the United States District Court for the Western District of Pennsylvania in Erie, the defendant was acquitted at Count One (Use

of a Chemical Weapon) and convicted at Count Two (Making a False Statement).

4. That on or about January 9, 2001, the defendant entered a plea of guilty before the Honorable Sean J. McLaughlin to Count 3 of the indictment which charged him with knowing possession of a firearm by a felon.

5. That on or about March 13, 2001, the defendant was sentenced to a term of imprisonment of 18 months on each of Counts Two and Three, to be served concurrently; a term of supervised release of three (3) years, and a fine of \$15,000.

6. That during the course of the investigation of the criminal case, the Federal Bureau of Investigation executed search warrants at the residence and business of Thomas E. Eaton on February 5, 1999, and seized the following weapons:

- a. one Ruger .357 Magnum Black Hawk revolver, Serial Number 32-55444;
- b. one Jennings Stainless Steel .22 caliber handgun, Serial Number 665379, with 9 rounds of ammunition;
- c. one 1917 Eddy Stone rifle, Serial Number 795323.

7. That as a result of defendant's felony conviction in the United States District Court for the Western District of Pennsylvania, it is unlawful for the defendant to possess any firearm or ammunition or to receive any firearm or ammunition, pursuant to Title 18, United States Code, Section 922(g)(1).

WHEREFORE, the government respectfully requests that an order for the destruction of the above-described firearms be issued.

Respectfully submitted,

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